

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GABINO GENAO,

Plaintiff,

v.

CITY OF NEW YORK; CAPTAIN SMITH;
CAPTAIN ANDERSON; WARDEN WALKER;
ADJUDICATION CAPTAIN; OSIU CHIEF
JOHN DOE; CORRECTION OFFICER
SMART; ESH DEPUTY OF SECURITY
RENÉ,

Defendants.

ORDER

20 Civ. 8721 (ER)

RAMOS, D.J.

On December 15, 2020, Gabino Genao brought this action, *pro se*, pursuant to 42 U.S.C. § 1983, alleging that the City of New York (the “City”) and several correction officers violated his constitutional rights with their handling of a disciplinary infraction while he was incarcerated on Rikers Island. Doc. 1. On February 26, 2021, Plaintiff requested a 90-day stay of this action pending results of a FOIL request. Doc. 17. On February 28, Plaintiff requested discovery of video footage of the underlying incident from the City in this case and several others pending before the Southern District of New York. Doc. 18. On March 3, the City responded to Plaintiff’s requests, taking no position on the stay and opposing the video request. Doc. 20. The City opposed the video request because discovery has not yet begun, Plaintiff has not previously asked the City for any video, and Plaintiff has provided no basis to believe video is relevant to his claims in this case. Doc. 20.

Plaintiff’s requests for a stay and for video of the underlying incident are denied at this time. Plaintiff is advised to direct discovery requests to Defendants in accordance with Rules 26(b)(1) and 34 of the Federal Rules of Civil Procedure.

The Clerk is respectfully directed to terminate the motions, Docs. 17 and 18, and to mail a copy of this Order to Plaintiff:

Gabino Genao, NYSID No. 04570951M, B&C No. 1131700734, Manhattan Detention Center, 125 White Street, New York, New York 10013.

It is SO ORDERED.

Dated: March 3, 2021
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.